

# **EXHIBIT B**

**Mark Bernheimer**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Gaston, et al. v. The Islamic Republic of Iran</i>	18-cv-12337 (GBD)(SN) ECF Case

**DECLARATION OF MARK BERNHEIMER**

I, Mark Bernheimer, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than eighteen (18) years of age and I have personal knowledge of and am competent to testify to the matters stated in this declaration.
2. I am a citizen of the United States and I was a citizen of the United States on September 11, 2001.
3. On September 11, 2001, I was present in New York City when the terrorist attacks on the World Trade Center (WTC) occurred. I was at the Manhattan Civil Courthouse several blocks from the WTC preparing to testify in a trial that was scheduled to begin that morning. I was walking up the stairs when I heard the first plane hit the North Tower. When the South Tower was hit a few minutes later, I was inside the courthouse and heard the explosion. All court proceedings were canceled. While leaving the courthouse, I was showered with a fine cloud of debris containing particles of glass. I moved out of Lower Manhattan as quickly as possible.

4. The following day I went to the Javits Center to volunteer with FEMA. I initially worked outside the Javits Center in tents that had temporarily been set up to store food and other supplies to be taken Ground Zero. After having witnessed the devastation and carnage on 9/11, it took several days before I was able to return to the WTC site. When I went back to Gound Zero,

I began working with the Salvation Army Command Center from FEMA and 14<sup>th</sup> Street. I also worked at the morgue and Fresh Kills Landfill. I continued to volunteer at these sites until June 2002.

5. During the time I worked at the various sites associated with the recovery effort after the attacks, I developed asthma, a very persistent cough and I also suffered from severe headaches. In 2002, I was prescribed albuterol sulfate for asthma which I continue to take today. While working for the Salvation Army I sustained injuries to both shoulders, which had to be repaired surgically, developed a double hernia, which was surgically repaired in 2006, and suffered from gastroesophageal reflux disease for the first time in my life. I have also been diagnosed with post-traumatic stress disorder. I began medical monitoring through the World Trade Center Health Program in 2003 and have received treatment for all these medical conditions.

6. I later pursued a claim with the Victim Compensation Fund (VCF). Although I suffered from the previously mentioned medical conditions, I have not yet submitted all the documentation related to all those conditions to the VCF. In October 2013, the VCF found that I was found eligible for compensation for asthma. A true and correct copy of the VCF eligibility determination letter documenting one of the physical injuries I suffered as the result of the attacks on 9/11 is submitted with this declaration as part of this exhibit.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED this 22 day of July, 2025.



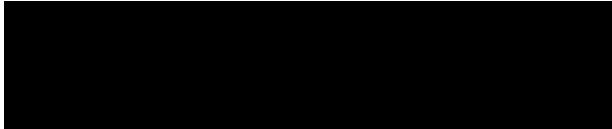
Declarant Mark Bernheimer  
7/22/25



September 11th  
Victim Compensation Fund

October 16, 2013

MARK BERNHEIMER



Dear Mark Bernheimer:

Your Eligibility Form for the September 11th Victim Compensation Fund (VCF) has been reviewed. You submitted an Eligibility Form for Personal Injury Claimants. Your claim number is VCF0011954.

#### The Decision on your Claim

The VCF has determined that you meet the eligibility criteria established in the statute (the Zadroga Act and the original statute) and regulations<sup>1</sup> and therefore the VCF will review your Compensation Form and supporting materials to determine the amount of any award. Based on the information you submitted and information the VCF has received from the World Trade Center Health Program (WTCHP), you have been found eligible for the following injuries:

- Asthma, Unspecified, Unspecified Status

Please note that there are several reasons why an injury that you think should be eligible is not listed above. First, for non-traumatic injuries, the description of the injury is based on the information provided by the WTCHP and there can be several alternative descriptions for the same injury. Additionally, a WTCHP physician may have provided testing or treatment for an injury even if the WTCHP has not certified that injury for treatment. Finally, your injury may not be listed if it was only recently certified for treatment by the WTCHP. The VCF regularly receives updated information from the WTCHP and will notify you if additional injuries have become eligible.

#### What Happens Next

The VCF will determine your compensation award based solely on the eligible injuries listed above. In order for the VCF to do so, you must submit the Compensation Form for Personal Injury Claimants and the required supporting documents. If you have not already done so, please submit the Compensation Form and the required supporting documents as soon as possible. You are encouraged to submit the Compensation Form through the VCF's web-based claim system at [www.vcf.gov](http://www.vcf.gov). If you wish to complete the Compensation Form in hardcopy, you may request the form by contacting the toll-free Helpline at 1-855-885-1555. For the hearing impaired, please call

<sup>1</sup> The statute (the Air Transportation Safety and System Stabilization Act as amended by the Zadroga Act) and the regulations are located at <http://www.vcf.gov/lawRulesOtherDocs.html>.



September 11th  
Victim Compensation Fund

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1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-353-0356.

In addition to the Compensation Form, please also complete and submit the VCF ACH Payment Information Form. This form can be found on our website in Section 8 of the Frequently Asked Questions (FAQs). The completed form must be submitted before the VCF can arrange for any payment.

The VCF will be able to determine your compensation award based on the eligible conditions after all compensation related documents are submitted. When you receive an award letter, you will have the right to appeal. In that appeal, you have the right to assert additional injuries that you believe are eligible and for which you believe you should be compensated. For purposes of the statutory deadlines, the injuries listed in your claim form and the injuries certified as eligible will be deemed "filed". You will receive instructions on the appeal process when you receive the letter with details of your compensation award.

If you have questions about the information in this letter or the claims process in general, please contact our toll-free Helpline at the number noted above. Every effort will be made to respond to your inquiries as soon as possible.

Sincerely,

September 11th Victim Compensation Fund

CC: Mark Bernheimer